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2 UNITED STATES DISTRICT COURT
3 WESTERN DISTRICT OF WASHINGTON
4 AT TACOMA

5 DARREL C. OLDS, JR.,

6 Petitioner,

7 v.

8 WASHINGTON STATE DEPARTMENT
9 OF CORRECTIONS, *et al.*,

10 Respondents.

Case No. C08-5612 FDB/KLS


ORDER ADOPTING REPORT
AND RECOMMENDATION

11 While noting in his letter to the Clerk that there are a couple of errors in the Report and
12 Recommendation (including the amount of money in his spendable account and he says "I have never been
13 enlisted in any military branch, nor am I married or have ever been and do not send any pensions to anyone,"
14 Petitioner Olds nevertheless he states: "I relent to the \$5.00 filling [sic] fee, and as promised It [sic] should be
15 at your office within the week." The filing fee having been received on November 24, 2008, the issue has
16 become moot.

17 The Court, having reviewed the report and recommendation, Petitioner's application to proceed *in*
18 *forma pauperis* and the remaining record, hereby finds and **ORDERS**:

- 19 (1) the Magistrate Judge's report and recommendation is approved and adopted;
20 (2) Petitioner paid the filing fee as he indicated he would in his letter to the Clerk, Dkt # 9 ; and
21 (3) the Clerk is directed to send copies of this Order to Petitioner and any other party that has
22 appeared in this action.
23

24 DATED this 8th day of December 2008.

25
26 
27 FRANKLIN D. BURGESS
28 UNITED STATES DISTRICT JUDGE